

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DAVID STEINMETZ,

Plaintiff,

v.

ANTHONY ANNUCCI, et al.,

Defendants.

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17-cv-1000  
ORDER ADOPTING REPORT  
AND RECOMMENDATION

On October 4, 2017, the plaintiff commenced this action seeking relief under 42 U.S.C. § 1983. Docket Item 1. On March 5, 2018, he moved for a preliminary injunction, Docket Item 8; on March 16, 2018, he moved to expedite a decision on his motion for a preliminary injunction, Docket Item 9; and on March 20, 2018, he moved for a default judgment, Docket Item 10. On May 4, 2018, this Court referred this case to United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 15.

On May 18, 2018, the defendants responded to the plaintiff's motions and moved for judgment on the pleadings, Docket Item 22; and on May 29, 2018, the plaintiff replied, Docket Item 26. On June 28, 2018, Judge McCarthy issued a Report and Recommendation ("R&R"), finding that the defendants' motion should be granted and that the plaintiffs' motions should be denied. Docket Item 29. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has carefully reviewed Judge McCarthy's R&R. Based on that review and the absence of any objections, the Court accepts and adopts Judge McCarthy's recommendation to deny the plaintiff's motions and grant the defendants' motion.

For the reasons stated above and in the R&R, the plaintiff's motions for a preliminary injunction, to expedite, and for a default judgment, Docket Items 8, 9, and 10, are DENIED; the defendant's motion for judgment on the pleadings, Docket Item 22, is GRANTED; the complaint, Docket Item 1, is dismissed; and the Clerk of the Court shall close the file.

SO ORDERED.

Dated:       October 2, 2018  
              Buffalo, New York

**s/ Lawrence J. Vilardo**  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE